BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

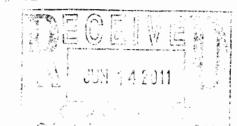
www.bartlit-beck.com

June 14, 2011

MEMO ENDORGED

Via Hand Delivery

The Honorable Colleen McMahon Courtroom 14C Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, NY 10007-1312



CHICAGO OFFICE
COURTHOUSE PLACE
54 WEST HUBBARD STREET
CHICAGO, IL 60654
TELEPHONE: (312) 494-4400
FACSIMILE: (312) 494-4440

DENVER OFFICE 1899 WYNKOOP STREET 8TH FLOOR DENVER, CO 80202 TELEPHONE: (303) 592-3100 FACSIMILE: (303) 592-3140

WRITER'S DIRECT DIAL: (312) 494-4454 mark levine@hartlit-beck.com

Re: Schindler Elevator Corp. v. Otis Elevator Co. Case No. 06-CV-05377 (CM) (THK)

Dear Judge McMahon:

I represent Otis Elevator in this action. I write this letter to bring the Court's attention to two Supreme Court decisions issued in the last two weeks that are relevant to the issues in this case. Copies of both are attached.

First, in Global-Tech Appliances, Inc. v. SEB S.A., No. 10-6, slip op. (May 31, 2011), the Supreme Court ruled on the standard for inducement of infringement. The Supreme Court held that "induced infringement under §271(b) requires knowledge that the induced acts constitute patent infringement." Id. at 10. The Court further held that "knowledge" refers to either actual knowledge or "willful blindness." Id. at 14. "[A] willfully blind defendant is one who takes deliberate actions to avoid confirming a high probability of wrongdoing and who can almost be said to have actually known the critical facts." Id.

Second, in *Microsoft Corp. v. i4i Limited Partnership*, No. 10-290, slip op. (June 9, 2011), the Supreme Court affirmed that invalidity must be shown by clear and convincing evidence. However, the Court noted that the jury "may be instructed to evaluate whether the evidence before it is materially new, and if so, to consider that fact when determining whether an invalidity defense has been proved by clear and convincing evidence." *Id.* at 18.

cc: Jon W. Gurka (via email)
Richard Z. Lehv (via email)
Counsel for Plaintiff Inventio

Respectfully Submitted,

Mark L. Levine

Counsel for Defendant Otis Elevator Co.